

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MAINE

PRESCOTT MCCURDY,

Plaintiff,

vs.

No. \_\_\_\_\_

TOWN OF BRUNSWICK, ME, et al.,

Defendants.

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1367, 1441 and 1446, Defendants Town of Brunswick, John Eldridge, Officer Asa Hodgdon and Sgt. Chris Balestra (collectively “the Town Defendants”), by and through counsel, hereby remove the above-captioned case from the Maine Superior Court for Cumberland County to the United States District Court for the District of Maine based on the following grounds:

1. The Town Defendants are named in a civil action brought against them in Cumberland County Superior Court and captioned *Prescott McCurdy v. Town of Brunswick, et al.*, Docket No. PORSC-CV-2023-00069.
2. The Town Defendants were served with a Summons and Complaint in the Superior Court matter on March 2, 2023.
3. To the best of the Town Defendants’ knowledge, Defendants Atlantic Coast Towing, Inc. and Charles Louder were served with a Summons and Complaint on or about March 8, 2023.
4. The Complaint alleges causes of action against the Town Defendants under federal law – specifically that the Plaintiff is seeking relief for alleged violations of his rights under the United States Constitution pursuant to 42 U.S.C. § 1983.
5. This Court has jurisdiction over this civil action pursuant to 28 U.S.C. § 1331 by virtue of a federal question. Moreover, to the extent the Plaintiff’s Complaint includes state law claims, the Court has jurisdiction over those claims pursuant to 28 U.S.C. § 1367. Therefore, the

above-referenced defendants may remove this action from the Maine Superior Court for Cumberland County to the United States District Court for the District of Maine pursuant to 28 U.S.C. § 1441, et seq.

6. Counsel for the Town Defendants has conferred with Defendants Atlantic Coast Towing, Inc. and Charles Louder and has been authorized to represent that both Defendants consent to the removal of this case from the Maine Superior Court for Cumberland County to the United States District Court for the District of Maine.

WHEREFORE, Defendants Town of Brunswick, John Eldridge, Officer Hodgdon and Sgt. Balestra hereby notice the removal of this action to the United States District Court for the District of Maine and ask the Court to docket this action and treat it in all respects as though it had been originally brought in this Court.

Dated at Portland, Maine this 3<sup>rd</sup> day of April, 2023.

Attorneys for Defendants Town of Brunswick,  
John Eldridge, Officer Hodgdon, and Sgt. Balestra  
MONAGHAN LEAHY, LLP  
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BY: /s/ John J. Wall, III  
John J. Wall, III

**CERTIFICATE OF SERVICE**

I hereby certify that on April 3, 2023, I filed by email to 'MaineECFIntake@med.uscourts.gov' the above **Notice of Removal** and that I served a copy of this **Notice of Removal** on the Plaintiff, Co-Defendants and the Cumberland County Superior Court by First Class Mail, postage prepaid, and addressed as follows:

Prescott McCurdy  
34 Allen Point Road  
Harpwell, ME 04079

Charles Louder  
Atlantic Coast Towing, Inc.  
11 Starlight Way  
Brunswick, ME 04011

Shelley Sawyer, Clerk  
Cumberland County Superior Court  
205 Newbury Street  
Portland, ME 04112-0287

Attorneys for Defendants Town of Brunswick,  
John Eldridge, Officer Hodgdon, and Sgt. Balestra  
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